IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 17TH APRIL, 2007 / 27TH CHAITHRA, 1929

WP(C).No. 13378 of 2007(P)

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PETITIONER:

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P.JAYABALA,
CLERK, PALAKKAD DISTRICT CO-OPERATIVE BANK,
PALAKKAD, RESIDING AT SUSHREE, MANISSERY.P.O.,
OTTAPPALAM, PALAKKAD.

BY ADV. SRI.A.N.RAJAN BABU
SMT.K.SUNITHA VINOD

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
SECRETARY, DEPARTMENT OF CO-OPERATIVE SOCIETIES,
SECRETARIAT, THIRUVANANTHAPURAM.

2. REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.

3. JOINT REGISTRAR OF CO-OPERATIVE SOCIEITES,
PALAKKAD.

4. PALAKKAD DISTRICT CO-OPERATIVE BANK,
PALAKKAD, REPRESENTED BY ITS GENERAL MANAGER.

5. K.K.JANARDHANAN,
EXECUTIVE OFFICER, PALAKKAD DISTRICT CO-OPERTIVE BANK,
PALAKKAD-1.

6. C.T.MOHANA KRISHNAN,
EXECUTIVE OFFICER, PALAKKAD DISTRICT CO-OPERATIVE BANK,
CHITTOOR – 1, PALAKKAD SITRICT.

7. T.SWAMINATHAN,
EXECUTIVE OFFICER,
PALAKKAD DIST.CO-OPERATIVE BANK,
PALAKKAD-14.

8. K.BALAKRISHNAN, EXECUTIVE OFFICER,
PALAKKAD DIST.CO-OPERATIVE BANK,
KOLLAMKODE, PALAKKAD DISTRICT.

BY SR. GOVERNMENT PLEADER SRI.K.J.MOHAMMED ANZAR.
SRI.SANTHEEP ANKARATH
R4 BY ADV.SRI.M.P.ASHOK KUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.13378 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the memo dtd.12.10.93 issued by R4.

Ext.P2: Copy of order dtd.12.8.95.

Ext.P3: Copy of order dtd.22.2.96 issued by R2.

Ext.P4: Copy of order issued by R4 dtd.28.9.96

Ext.P5: Copy of order dtd.24.4.97 by R2.

Ext.P6: Copy of order dtd.6.11.97 issued by R1.

Ext.P7: Copy of the common judgment in OP 459/98 and 772/98 dtd.1.4.98.

Ext.P8: Copy of the order dtd.24.9.99 issued by R1.

Ext.P9: Copy of judgment dtd.8.3.03 of this Court in OP 1460/2000.

Ext.P9(a): Copy of memo of charges dtd.2.12.96 issued by R4.

Ext.P9(b): Copy of the explanation submitted by the petitioner on 16.1.2007.

Ext.P10: Copy of the joining report dtd.19.5.1997 submitted by the petitioner.

Ext.P11: Copy of order dtd.19.5.97 issued by R4.

Ext.P12: Copy of order dtd.5.12.97 issued by R2.

Ext.P13: Copy of order dtd.20.10.98 issued by R2.

Ext.P14: Copy of judgment dtd.10.11.98 in W.A.No.2217/98.

Ext.P15: Copy of order dtd.9.11.99 issued by R1.

Ext.P16: Copy of the judgment dtd.29.10.2003 issued by this Court.

Ext.P16(a): Copy of the enquiry report submitted on 5.1.1999 by the Enquiry Officer.

Ext.P17: Copy of the order dtd.12.2.99 issued by R4.

Ext.P18: Copy of order dtd.7.2.2000 issued by R4.

Ext.P19: Copy of order dtd.30.8.2000 issued by R2.

Ext.P19(a): Copy of judgment dtd.8.3.2004 in OP 32399/2000.

Ext.P20: Copy of Order dtd.26.8.1997 issued by R3.

Ext.P21: Copy of Order dtd.3.7.2004 issued by R1.

Ext.P22: Copy of Order dtd. 27.1.2006 issued by R1.

-True Copy-

P.A.to Judge.

**S. SIRI JAGAN, J.**

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**WP(C) NO. 13378 OF 2007 P**

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**Dated this the 17th day of April, 2007**

**J U D G M E N T**

In this writ petition, the petitioner challenges the disciplinary proceedings by the fourth respondent - the Palakkad District Co-operative Bank and the consequent denial of promotion as Deputy General manager in preference to respondents 5 to 8. Since against these proceedings, the petitioner has an effective alternate remedy by way of filing a petition before the Arbitration Court under Section 69 read with Section 69(2)(d) of the Co-operative Societies Act, I am not inclined to entertain this writ petition at this juncture. In the above circumstances, I dispose of this writ petition with the following directions:-

The petitioner, if so desires, can file an arbitration case before the Arbitration Court, and if she files the arbitration case within one month from today, it would be treated as one filed within time and the Arbitration Court shall consider the same on merits, after hearing all parties concerned. The petitioner would also be free to move the petition for interim orders in the same and the Arbitration Court shall pass orders on the

interlocutory application within two weeks from the date of filing of the application.

**S. SIRI JAGAN,**
**Judge**

Mbs/

**S.SIRI JAGAN, J**

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W.P.(C) NO. OF 2001

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J U D G M E N T

DATED:13-02-2007